

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

PAULA DRAKE,

Movant,

v.

CIVIL ACTION NO. 2:07-cv-00420

CRIMINAL ACTION NO. 2:06-00069

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

By Standing Order entered on August 1, 2006, and filed in this case on July 11, 2007, this action was referred to United States Magistrate Judge Mary Stanley for submission of proposed findings of fact and recommendations for disposition. On July 25, 2007, Magistrate Judge Stanley filed her Proposed Findings and Recommendation on movant's Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody. (Doc. No. 36.) In that filing, the magistrate judge recommended that this court deny movant's motion.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's Proposed Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a

de novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** movant's motion to vacate her sentence (Doc. No. 33).

The Clerk is directed to mail a copy of this Memorandum Opinion and Order to all counsel of record, the movant, pro se, and Magistrate Judge Mary Stanley.

IT IS SO ORDERED this 31st day of August, 2007.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
United States District Judge